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REMARKS

Remark 1:

Applicants respectfully affirm the provisional election made with traverse to prosecute the invention of Group I, claims 1-9 and 33-58.

Remark 2:

Applicants respectfully submit that the amendments herein overcome the claims objections and rejections based on form. In particular, claim 54 has been cancelled, without prejudice. Also, the language in claims 40 and 41 found "indefinite" has been deleted.

Remark 3:

Applicants respectfully submit that new claims 59-62, and claims 40 and 41, as amended, are allowable. Applicants submit that the referenced prior art does not teach, anticipate or suggest the use of the combination of (1) pre-treatment of localized stains or soil using a pre-treatment stain removal formula and an absorbent stain removal medium and (2) placing an activator cloth containing an activator solution together with the textile article into a heat-resistant containment means, such as a bag, for treating a textile article in a typical clothes dryer, wherein the textile article is treated without deposit or migration of undesired material or substances thereonto.

Remark 4:

Applicants respectfully request Examiner withdraw WO 97/27354 (You et al.) as an anticipating reference under 25 U.S.C. Section 102(b). With all due respect, Applicants submit the following:

- (A) WO 97/27354 does not teach, anticipate or suggest (1) pre-treatment of localized stains or soil using a pre-treatment stain removal formula and an absorbent stain removal medium and (2) placing an activator cloth containing an activator solution together with

the textile article into a heat-resistant containment means, such as a bag, for treating a textile article in a typical clothes dryer, wherein the textile article is treated without deposit or migration of undesired material or substances thereonto.

- (B) Inherently as well as expressly, You et al. contemplates use of the “stain receiver” material as an optional step to be performed prior to placing the textile articles into the dryer.
- (B) Applicants respectfully direct Examiner to WO 97/27354 at page 29 under the heading “Stain Receiver”, through at least the penultimate paragraph on page 30, where You et al. provide a discussion of a material which is simply used to “imbibe” or “draw”, in other words “blot”, any excess pre-spotting liquid composition used in the process. As stated in the first line of the referenced, “A stain receiver can optionally be used in the pre-spotting operation herein.” The type of material used for a “stain receiver” is described from about the middle of page 31 starting at the paragraph heading “Basis Weight” through the first paragraph of page 33 which describes “FAM’s”. Applicants point out that starting on about the second to the last paragraph on page 33 through the second paragraph of page 34, as well as everywhere else in the publication where the “stain receiver” is mentioned or described, the stain receiver is only utilized as a blotting material, and is not used in the containment bag described in WO 97/27354.
- (C) In You et al., references to the “stain receiver” throughout the publication is made with reference to the device shown in FIGS. 9-13 and is only suggested for use as an optional step for cleaning discrete stains on the textile articles with a pre-spotting liquid composition.
- (D) There is no suggestion at all, let alone affirmative recitation, of a method or system whereby (1) pre-treatment of localized stains or soil using a pre-treatment stain removal formula and an absorbent stain removal medium and (2) placing an activator cloth

containing an activator solution together with the textile article into a heat-resistant containment means, such as a bag, for treating a textile article in a typical clothes dryer, wherein the textile article is treated without deposit or migration of undesired material or substances thereonto. As the heat generated during the heat treatment vaporizes activator solution loaded onto the activator cloth, the vaporized activator solution treats the textiles, and during the process the textile article is treated without deposit or migration of undesired material or substances thereonto.

Remark 5:

Applicants respectfully point out that the independent claims presented herein claim use of materials and compositions which are absent of undesired material or substances that can deposit or migrate to the article being cleaned.

You et al. '354 recognize that the stain removal solution should avoid materials that leave visible residues (page 19, line 19 and following). Yet, inexplicably, You et al. state that the solution can contain FWA, (see pg. 23, line 27). Brighteners, also called fluorescent whitening agents (FWA's) are known to cause localized spotting of fabrics when placed in direct, undiluted contact with the fabric being treated.

Ironically, You et al. again recognize that the "cleaning device" described on pp. 24-29 should be brightener-free (see pg. 27, line 3, lines 11-13, and line 22).

In spite of conscious references in You et al. and great trouble expended to discuss that (1) the stain removal solution should avoid staining materials and (2) the cleaning device should be brightener-free, You et al. apparently do not recognize that other materials in the system, principally the stain-absorbing medium itself, can lead to stain-invoking materials (e.g., FWA's) being leached back onto the

fabric. Possible compositions of the stain-receiving medium were specifically in mind during prosecution of You et al., which discusses the stain receiver on page 29. Examiner is directed the reference advising that disposable paper towels such as *Bounty*[®] can be used. Clearly, as such paper towels, including *Bounty*[®], routinely contain optical brighteners, there is no recognition in the prior art that such materials present on the stain-receiving medium might be deleterious to overall performance. (See application at page 10, line 17 et seq.)

Remark 6:

Applicants respectfully point out that original Claims 43-45 are directed to the capacity of the activator cloth. On page 32, line 6 and following, it was indicated that commercially-available cloths deliver up on the order of approximately 28 grams of activator solution. However, the present invention shows that by eliminating one or more of surfactant component(s), one can reduce the amount of surfactant needed. This results in less wrinkling and observation of residue than found when using the cited levels of activator solution. The primary consideration is not one of proportions of solution to fabric, but rather is related to the amount of the activator solution delivered to the textile article to be dry-cleaned. The amount of activator solution can be reduced due to elimination of surfactant.

All of the examples of activator cleaning/refreshment solutions cited by You et al. contain 0.05-2.0% of surfactant (see page 24, lines 14).

Remark 7:

Applicants respectfully submit that WO 97/27354 cannot form the basis for a 35 U.S.C. Section 102(b) rejection of the pending system and method claims. It has been shown that in You et al. there is no suggestion that the absorbent stain removal or receiving medium or other materials and compositions used to pre-treat and to treat the textile articles without leaving a deposition or other migration of

undesired material or substances thereonto. The dry-cleaning process, the kit for dry-cleaning in a clothes dryer and the method of use of the components thereof are all novel and unique and non-obvious.

Remark 8: (NO NEW MATTER)

Applicants submit that the amendments presented herein present no new matter. All of the steps of the methods claimed herein taught in the Drawings, Specification, Claims and Abstract and other portions of the Application as filed herein.

CONCLUSION

Applicants respectfully submit that for all the foregoing reasons, the claimed subject matter describes patentable invention. Furthermore, Applicants submit that the specification is adequate and that the claims are in a condition for allowance. No new matter has been entered.

Applicants hereby respectfully requests Examiner to withdraw the cited references as anticipating or obviating prior art, enter these amendments, find them descriptive of useful, novel and non-obvious subject matter, and authorize the issuance of a utility patent for the truly meritorious, deserving invention disclosed and claimed herein.

Without further, Applicants do not intend to waive any claims, arguments or defenses that they may have in response to any official or informal communication, paper, office action, or otherwise, and they expressly reserve the right to assert any traverse, additional grounds establishing specificity and clarity, enablement, novelty, uniqueness, non-obviousness, or other patentability, etc.

Further, nothing herein shall be construed as establishing indirectly the basis for any prosecution history, file wrapper estoppel, or similar in order to limit or bar any claim of infringement of the

invention described herein, either directly or under applicable doctrine of equivalents.

Respectfully submitted,

RAY K. SHAHANI
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Dated: September 9, 2002

By: _____

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CERTIFICATE OF MAILING

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Signed: _____

Date Mailed: September 9, 2002

Marked-Up Version(s) of Amended Claim(s)
37 CFR 1.21(c)(1)(ii)

1 Claim 40 (once amended) The dry-cleaning system of Claim 33 (once amended) in which the
2 absorbent stain removal medium is [essentially] free of [additives, said] additives including optical
3 brighteners[, flourescent whitening agents, and the like].

1 Claim 41 (once amended) The dry-cleaning system of Claim [33] 60 (new) utilizing an absorbent
2 stain removal medium in which [essentially] no undesired substances migrate therefrom to the article to
3 be cleaned.

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Marked Up Version(s) of Replacement Paragraph(s)
37 CFR 1.21(b)(1)(iii)

none